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9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **IDRIS NAWABI,**

14 Petitioner,

15 **v.**

16 **J. HARTELY, Warden,**

17 Respondent.  
18

C 08-1258 WHA (PR)

**APPLICATION FOR EXTENSION  
OF TIME TO FILE RESPONSE**

19 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 30-day  
20 extension of time from today's date until June 11, 2008, in which to file a response to the petition  
21 for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration  
22 of counsel. We have not attempted to contact petitioner, who is an incarcerated state prisoner  
23 representing himself in this case.

24 WHEREFORE, respondent respectfully requests that this Court grant an extension of time  
25 to and including June 11, 2008, in which to file the answer or other responsive pleading.  
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1 Dated: May 12, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
4 Attorney General of the State of California

5 DANE R. GILLETTE  
6 Chief Assistant Attorney General

7 GERALD A. ENGLER  
8 Senior Assistant Attorney General

9 PEGGY S. RUFFRA  
10 Supervising Deputy Attorney General

11 /s/ Arthur P. Beever  
12 ARTHUR P. BEEVER  
13 Deputy Attorney General  
14 Attorneys for Respondent  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **IDRIS NAWABI,**

Petitioner,

15 v.

16 **J. HARTELY, Warden,**

Respondent.

C 08-1258 WHA (PR)

**DECLARATION OF COUNSEL IN  
SUPPORT OF APPLICATION FOR  
EXTENSION OF TIME TO FILE  
RESPONSE**

19 I, Arthur P. Beever, declare under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am assigned to  
21 represent respondent in this habeas corpus case.

22 2. On March 11, 2008, this Court issued an Order to Show Cause why the petition for a  
23 writ of habeas corpus should not be granted. The California Attorney General's Office in San  
24 Francisco docketed the order on March 24, 2008.

25 3. No Deputy Attorney General was assigned to represent respondent in the state courts.  
26 I am unfamiliar with the case. I am presently unable to begin working on this case because I am  
27 preparing the Respondent's Brief on the Merits in *People v. Stevens* (California Supreme Court Case  
28 No. S158852). In the past 30 days, I filed Answers in the previously assigned cases of *Thigpen v.*

1 *Adams* (C 07-4028) and *Johnson v. Kane* (C 07-4417). I also filed supplemental briefing before the  
2 California Court of Appeal in *People v. Ray* (A115103) and appeared for oral argument in *People*  
3 *v. Leal* (H030415). Once I have completed briefing *People v. Stevens*, I will devote substantially  
4 all of my time to working on this case.

5 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner  
6 who is representing himself in this case.

7 5. Accordingly, I respectfully request that this Court grant an extension of time to and  
8 including June 11, 2008, in which to file a response to the order to show cause.

9  
10 Dated: May 12, 2008

11 Respectfully submitted,

12 EDMUND G. BROWN JR.  
Attorney General of the State of California

13 DANE R. GILLETTE  
Chief Assistant Attorney General

14 GERALD A. ENGLER  
Senior Assistant Attorney General

15 PEGGY S. RUFFRA  
Supervising Deputy Attorney General

16  
17  
18 /s/ Arthur P. Beever  
ARTHUR P. BEEVER  
19 Deputy Attorney General  
20 Attorneys for Respondent  
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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7 SAN FRANCISCO DIVISION

8 **IDRIS NAWABI,**

9  
10 Petitioner,

11 **v.**

12 **J. HARTELY, Warden**

13 Respondent.  
14

C 08-1258 WHA (PR)

**ORDER GRANTING FIRST  
EXTENSION OF TIME TO FILE  
RESPONSE**

15 GOOD CAUSE APPEARING, it is hereby ordered that respondent is granted an  
16 extension of time, to and including June 11, 2008, to file a response to the petition for writ of  
17 habeas corpus.

18  
19 DATED: \_\_\_\_\_  
20

21 \_\_\_\_\_  
22 WILLIAM ALSUP  
23 United States District Judge  
24  
25  
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27  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Nawabi v. Hartely, Warden**

No.: **C 08-1258 WHA (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On May 12, 2008, I served the attached

**APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE**

**ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Idris Nawabi  
P-41591/640-53L  
Avenal State Prison  
P.O. Box 9  
Avenal, CA 93204-0009

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 12, 2008, at San Francisco, California.

\_\_\_\_\_  
S. Agustin  
Declarant

\_\_\_\_\_  
/s/ S. Agustin  
Signature